

WHAT THE CONSTITUTION MEANS TO THE STATE OF VIRGINIA



by

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A CENTURY and three quarters ago Robert Morris of Pennsylvania stood near this spot and nominated George Washington of Virginia to preside over the convention called to consider means of strengthening the Confederation of the States. After four months of debate, compromise, and at times despair, the delegates agreed upon the draft of a new charter of government, the Constitution of the United States. The existing Confederation of the States could not draft men for war or levy direct taxes, and could not coerce the States; it was the natural product of revolution and represented Liberty. The new government would, within its field, have power to coerce both people and States; it represented Order.

Would the States, especially the larger and more powerful of them, now virtually independent of each other, be willing to surrender a part of their sovereignty in order to create a more perfect union? Having won separation from Crown and Parliament, would they soon incur the hazard of a new master?

Over all the land this was debated, on the street, in the taverns, and in State conventions called to consider ratification. Massachusetts and Pennsylvania seemed sympathetic to the proposed government, but what would happen in such other vital States as New York and Virginia where popular feeling

ran high against adoption? Meeting in convention New York asked, What would Virginia do? For Virginia was free to choose. She was dependent upon no one. The most powerful of the States, both her population and area exceeded that of New York and Pennsylvania combined. Her domain extended from the Atlantic to the Mississippi, cutting the States almost equally in half, since she and her sister States to the south contained forty per cent of the entire population of the country. Her sons and daughters were founding new settlements to the south and west, and at her back lay the sweep of a continent. Her political leadership was unmatched then, and many believe that it has never been exceeded in the annals of mankind.

HOSTILE to the proposed union, Patrick Henry led the forces of opposition, and expressed the doubts and fears of his people. Would not the proposed new central government fasten upon its subjects a huge standing army, a powerful navy, a ruinous tariff, a cumbersome and unmanageable bureaucracy, and an enormous burden of debt and taxation? Would it not, too, infringe upon the States by a steady arrogation of power under the guise of the regulation of commerce, and by usurping the proper functions of the States under the guise of the General Welfare?

It was only by a margin of ten votes that Virginia's ratification was attained, and only then by an express declaration of the right of resumption of powers granted under the Constitution, and an agreement that a bill of rights would be added to the Constitution. The reservation was in these words, "We . . . Do, in the name and in behalf of the people of Virginia, declare and

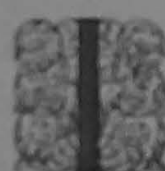
make known, that the powers granted under the Constitution, being derived from the people of the United States, be resumed by them whensoever the same shall be perverted to their injury or oppression, and that every power, not granted thereby, remains with them, and at their will; that, therefore, no right, of any denomination, can be cancelled, abridged, restrained, or modified, by the Congress, by the Senate or House of Representatives, acting in any capacity, by the President, or any department or officer of the United States, except in those instances in which power is given by the Constitution for those purposes. . . ."

The bill of rights demanded by Virginia as the price of ratification is embodied in the first ten Amendments, the last of which provides: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

New York later ratified by the margin of three votes, but with the understanding that the powers of the new government would be limited by amendments. In doing so, the Convention implied the right of secession with the declaration, "That the powers of government may be reassumed by the people whensoever it shall become necessary to their happiness; that every power, jurisdiction, and right, which is not by the said Constitution clearly delegated to the Congress of the United States . . . remains to the people of the several States, or to their respective governments, to whom they may have granted the same. . . ."

Thus, with reservations and misgivings, there came into being the new Government of the United States, a glorious sovereign Republic, made up of sovereign democratic States. What does

it mean to us? It means that we have two sovereigns, acting upon the same people at the same time, but in different spheres; that they, the Federal Government and the States, are supreme in their respective fields; that we have given to the Federal Government the sole power to make war and peace, create and maintain armed forces, regulate commerce, and exercise other specifically designated powers of national concern, while leaving to the States those centers of political power necessary for local self-government and for resistance to unauthorized centralization of power; that the Federal Government is based solely upon grants of power in the Constitution, and that these powers cannot be enlarged by caprice, or by arrogation, or by those with self-assumed ideas of superior wisdom, but only by the amendatory provisions of the Constitution itself.

F we will but cherish the Constitution and observe our sacred oaths to defend and maintain it, its lofty purposes will be preserved. The body of the Constitution will then assure us Order; the first nine Amendments will guarantee our Liberties; and the Tenth Amendment will preserve inviolate the powers of the States.

The fathers of our nation knew these things to be true. In Virginia these things we still believe.

Additional copies of this statement may be obtained on request to the Virginia Commission on Constitutional Government, 1116 Ninth Street Office Building, Richmond, Virginia 23219.